

REMARKS

Claims 1-3, 5-26 and 28-52 are pending in this application. Claims 1 and 24 are independent claims. Claims 1-3, 5-26 and 28-52 are amended. Reconsideration and allowance of the present application are respectfully requested.

Entry of Amendment After Final Rejection

Entry of the Amendment is requested under 37 C.F.R. § 1.116 because the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) does not present any additional claims without canceling the corresponding number of final rejected claims; and/or c) places the application in better form for an appeal, if an appeal is necessary. Entry of the Amendment is thus respectfully requested.

Claim Rejections under 35 U.S.C. §102

Claims 1, 2, 14, 15, 18, 21, 24, 36-38, 41 and 44-52 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,170,060 to Mott et al. (hereinafter "Mott"). This rejection is respectfully traversed.

Claim 1, upon which claims 2-3 and 5-23 depend, recites "a continuous media playback system controlled over a distributed communication system comprising: at least one playback control device that is located at a playback location, that is connected to a distributed communications system and that includes an output device, memory that stores digital media files and a continuous play program, and a controller that outputs said digital media files to said output device according to said continuous play program wherein said media files include at least one of audio, video and announcements, wherein a computer is remotely located from said playback location and communicates with said distributed communications system and a web server is located remotely from said computer and is connected to said distributed communications system and to a master library of said digital media files, and wherein said computer includes a user interface that allows a playback manager to access said web server via said distributed communications system to modify said continuous play program for each playback control device."

Claim 24, upon which claims 25-26 and 28-52 depend, recites “a method of programming at least one playback control device located at a playback location in a continuous media playback system controlled over a distributed communication system, the method comprising the steps of: accessing a web site via a distributed communications system using a user interface of a computer including a web browser that are remote from said web site and that are remotely located from said playback location; and accessing and arranging at least one of digital media files and predetermined collections of said digital media files to create or modify a continuous play program for said playback control device via said web site, wherein said media files include at least one of audio, video and announcements; wherein each playback control device is connected to said distributed communications system.”

As outlined below, Mott does not teach or suggest each of the elements recited in claims 1, 2, 14, 15, 18, 21, 24, 36-38, 41 and 44-52.

Mott discloses a computer network architecture including a library site coupled to a client site and a mobile playback device via a conventional distribution network infrastructure. The mobile playback device is a minimally configured, low-cost, standalone mobile unit for receiving and storing digital information files or programs as downloaded by library server and client computer system and for playing back the digital information files or programs for a user of the mobile playback device. The mobile playback device includes a processor, memory, and an interface to the client computer system over which compressed digital information files are received. The user controls the mobile playback device using buttons and knobs provided on the device. These controls are used to navigate through digital information files, adjust configuration data and playback parameters, or perform other functions as directed by firmware stored in playback device. When coupled to the player, the client computer system or other electronic devices can solicit user input from these controls. In an alternative embodiment, a set of additional user controls is provided on a remote control unit that is coupled to the player via a wired or wireless connection. The mobile playback device contains a limited quantity of non-volatile memory, RAM, and ROM. Digital information content, configuration data, and operating code are stored in the memory space of the mobile playback device. Configuration data includes but is not limited to: public and private IDs, content playback parameters, and user interface parameters. See at least Col. 5, lines 3-20 and Col. 9, line 57-Col. 10, line 58.

Applicant submits that Mott does not teach or suggest each of the elements recited in claims 1, 2, 14, 15, 18, 21, 24, 36-38, 41 and 44-52. Each of claims 1-3 and 5-23, in part, recites that the at least one playback control device includes “a continuous play program, and a controller that outputs said digital media files to said output device according to said continuous play program.” Each of claims 24-26 and 28-52, in part, recites “accessing and arranging at least one of digital media files and predetermined collections of said digital media files to create or modify a continuous play program for said playback control device via said web site.” Mott does not teach or suggest these features.

In particular, there is no teaching or suggestion in Mott of a continuous play program, as recited in the pending claims. Mott discloses that the mobile playback device is a minimally configured, low-cost, standalone mobile unit for receiving and storing digital information files or programs as downloaded by library server and client computer system and for playing back the digital information files or programs for a user of the mobile playback device. See at least Col. 5, lines 15-20. Col 8, lines 36-56 further describes the program as operating code segments for the mobile playback device. Also see Col. 9, line 58-Col. 10, line 59 of Mott describes the mobile playback device in more detail. However, Mott fails to teach or suggest continuous play program which is an executable for automatically playing selections from the playback control device, as recited in the pending claims.

Furthermore, as noted above, Mott discloses that the user controls the mobile playback device using buttons and knobs provided on the device. According to Mott, these controls are used to navigate through digital information files, adjust configuration data and playback parameters, or perform other functions as directed by firmware stored in playback device. Mott further discloses that when coupled to the player, the client computer system or other electronic devices can solicit user input from these controls. This disclosure of Mott clearly teaches away from having at least one playback control device which includes “a continuous play program, and a controller that outputs said digital media files to said output device according to said continuous play program,” as recited in the pending claims. Therefore, Applicant respectfully requests that this rejection of claims 1, 2, 14, 15, 18, 21, 24, 36-38, 41 and 44-52 under 35 U.S.C. §102 be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 5-13, 16, 17, 19, 20, 22, 23, 28-35, 39, 40, 42, 43 and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mott in view of U.S. Patent No. 5,726,909 to Krikorian (hereinafter “Krikorian”). This rejection is respectfully traversed.

Applicant submits that the combination of Mott and Krikorian does not teach or suggest the combination of elements recited in claims 5-13, 16, 17, 19, 20, 22, 23, 28-35, 39, 40, 42, 43 and 46. Krikorian does not cure the deficiencies of Mott, as outlined above. In particular, Krikorian does not teach or suggest that the at least one playback control device includes “a continuous play program, and a controller that outputs said digital media files to said output device according to said continuous play program,” as recited in claims 1-3 and 4-23. Krikorian also does not teach or suggest “accessing and arranging at least one of digital media files and predetermined collections of said digital media files to create or modify a continuous play program for said playback control device via said web site,” as recited in each of claims 24-26 and 28-52.

Krikorian merely discloses that the end user computer includes continuous program play customizing means. Therefore, Applicant respectfully requests that this rejection of claims 5-13, 16, 17, 19, 20, 22, 23, 28-35, 39, 40, 42, 43 and 46 under 35 U.S.C. §103 be withdrawn.

Claims 3 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mott in view of U.S. Patent No. 6,587,127 to Leeke (hereinafter “Leeke”). This rejection is respectfully traversed.

Leeke also does not cure any of the deficiencies of Mott, as specified above. Specifically, Leeke does not teach or suggest that the at least one playback control device includes “a continuous play program, and a controller that outputs said digital media files to said output device according to said continuous play program,” as recited in claims 1-3 and 4-23. Krikorian also does not teach or suggest “accessing and arranging at least one of digital media files and predetermined collections of said digital media files to create or modify a continuous play program for said playback control device via said web site,” as recited in each of claims 24-26 and 28-52. Therefore, Applicant respectfully requests that this rejection of claims 3 and 26 under 35 U.S.C. §103 be withdrawn.

Disclaimer

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 27592-01055-US2 from which the undersigned is authorized to draw.

Dated: July 21, 2008

Respectfully submitted,

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